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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

MEETING DATE May 16, 2014 EFFECTIVE DATE May 31, 2014	CONTACT/PHONE Michael Conger (805) 781-5136 mconger@co.slo.ca.us	APPLICANT Peoples' Self Help Housing Corporation	FILE NO. DRC2013-00065
SUBJECT Hearing to consider a request by PEOPLES' SELF HELP HOUSING CORPORATION for a Minor Use Permit to allow the construction of 24 single-family residences in the previously-approved Tract 2710. The houses will be based on four floor plans, each of which are single-story and vary in size from 1,215 square feet to 1,536 square feet. Each house will be located on a lot varying in size from 6,000 square feet to 9,300 square feet. Also to be considered is a request pursuant to California Government Code Section 65915 to allow reductions in required setbacks for two parcels. The front setback for Lot 1 would be reduced from 25 feet to 20 feet. The rear setback for Lot 14, which functions as a side yard, would be reduced from 10 feet to 5 feet. The proposed project is in the Residential Single Family land use category and is located on the south side of 11th Street at N Street in the community of San Miguel. The site is in the Salinas River sub-area of the North County planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00065 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator finds that the previously adopted Negative Declaration (ED05-163) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER 021-241-021	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Paso Robles Groundwater Basin; Cultural Resources; Environmental Site Assessment; Noise Barriers; Noise Setback <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Fencing and Screening; Height; Noise; Setbacks; Stormwater Management; Landscaping <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on May 31, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family / residences <i>South:</i> Residential Single Family / vacant <i>East:</i> Residential Suburban / residences <i>West:</i> Industrial / railroad	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Advisory Council; Building Division; Public Works; Public Health; San Miguel Community Services District	
TOPOGRAPHY: Level	VEGETATION: Disturbed
PROPOSED SERVICES: Water supply: Community System (SMCSD) Sewage Disposal: Community System (SMCSD) Fire Protection: San Miguel Community Services District	ACCEPTANCE DATE: March 20, 2014

DISCUSSION

SUMMARY

Peoples' Self Help Housing Corporation (PSHHC) is seeking a Minor Use Permit to allow the previously-approved Tract 2710 to be built out with 24 single-family residences. The residences will be built with volunteer labor and will be financed under the US Department of Agriculture's Section 502 rural housing loan program. As a result, the subdivision will meet the affordability criteria in Section 22.12.070G of the Land Use Ordinance.

As an affordable housing project, this development is eligible for "incentives or concessions" pursuant to California Government Code Section 65915. PSHHC is requesting relief from the front setback requirements on two lots (Lot 1 and Lot 14). This concession would allow residential development on Lot 1 to be set back 20 feet from Wimer Way (a new street within the subdivision), rather than the standard 25 feet. It would also allow a reduction of the rear setback on Lot 14.

With the granting of the requested setback concession, the project complies with all applicable land use regulations. Therefore, staff recommends approval of the project subject to the attached findings and conditions.

PROJECT HISTORY

In April 2010, the Planning Commission conditionally approved Vesting Tentative Tract Map 2710 (County File Number SUB2004-00331). Tract 2710 allowed subdivision of the project site into 24 lots, varying in size from 6,000 to 9,300 square feet. Subdivision improvement plans and a final map for Tract 2710 have been submitted to County Public Works, but are pending approval at this time.

PLANNING AREA STANDARDS

Paso Robles Groundwater Basin – The project site is located in the San Miguel Urban Reserve Line and will receive water service through the San Miguel Community Services District. As a result, it is not subject to the Paso Robles Groundwater Basin standards in Section 22.94.025 (former Section 22.104.020I).

Cultural Resources – A phase-one cultural resources report was provided as part of the environmental review process for Tract 2710. No known resources exist on the site. Due to the project site's proximity to Mission San Miguel, a mitigation measure requires archaeological monitoring during ground disturbance activities.

Environmental Site Assessment – The project site is located within 135 feet of the Union Pacific Railroad. The site was reserved for railroad use with the original "Town of San Miguel" subdivision, and had been labeled on historic railroad maps as a "creosote spur." The site was also used for grain storage between the 1930s and 1980s. A Phase I Site Assessment conducted in 2003 determined that there were three "hot spots" on the site containing varying amounts of metals, pesticides, and polynuclear aromatic hydrocarbons (PAHs). Remediation activities occurred between 2008 and 2009, and in April 2009, the California Department of Toxic Substance Control issued a letter confirming that the site no longer poses a threat to human health.

Railroad Barrier, Fencing – Tract 2710 has been conditioned to require a noise wall, which will function as a railroad barrier, along the westerly property line. This barrier will be constructed as part of the subdivision improvements for Tract 2710. The tract improvement plans are currently under review.

Noise Setback – New residential development is prohibited within 113 feet of the railroad, or other distance that complies with the requirements of the County Noise Element. Residential development on four of the lots (Lots 7, 8, 9, and 24) would occur within this setback. A Mitigated Negative Declaration (MND) was certified as part of the approval of Tract 2710, which considered these Noise Element thresholds. The MND concluded that Noise Element thresholds would be met for residences within 113 feet of the railroad, with the incorporation of certain mitigation measures:

- *Condition #36* – A solid block wall (or equivalent) is required, at a height of 8 to 10 feet, to be constructed prior to final acceptance of subdivision improvements.
- *Condition #37* – The final map is to include building envelopes consistent with an approved sound level assessment.

- *Condition #40a* – The development must be phased such that the houses closest to the railroad are constructed before the rest of the houses in the development, in order to create a structural noise buffer.
- *Condition #40g* – Notification to future owners that the site is next to railroad tracks and may be subject to train noise and vibration.
- *Condition #40z* – Specific construction standards for the lots closest to the railroad tracks in order to promote attenuation of noise.
- *Condition #40aa* – Requires an acoustical consultant to certify an interior noise level of 45 dB(A) for the lots closest to the railroad tracks. Additional noise attenuation measures may be required if the 45 dB(A) standard cannot be reached.

LAND USE ORDINANCE STANDARDS:

Allowed Use, Permit Requirement – Single family residences are an allowed use in the Residential Single Family land use category. Land Use Ordinance Table 2-3 requires Minor Use Permit approval for construction of up to 24 residences on a site.

General Property Development Standards

<i>Exterior Lighting</i> 22.10.060	<p>Exterior lighting shall be designed such that neither the bulb nor the reflective surfacing are visible from off-site.</p> <p><i>Condition 40.cc of Tract 2710 requires the submittal of exterior lighting details with building permits.</i></p>
<i>Fencing and Screening</i> 22.10.080	<p>Fencing and screening is not required for single-family residential development. When proposed, solid fencing is limited to a height of 6 feet, 6 inches at side and rear property lines. Within the front setback, fencing is limited to 3 feet in height.</p>
<i>Height Measurement</i> 22.10.090	<p>Structures are limited to a height of 35 feet above average natural grade.</p> <p><i>All proposed residences are single story and are not anticipated to exceed a height of 20 feet.</i></p>
<i>Minimum Site Area</i> 22.10.110	<p>A minimum site area of 1,750 square feet is needed to establish a single family residence.</p> <p><i>Each lot in this subdivision is at least 6,000 square feet in size.</i></p>
<i>Residential Density</i> 22.10.130	<p>Each parcel qualifies for one single-family residence plus one secondary residence, subject to certain limitations.</p> <p><i>The proposal involves placing one single family residence each on 24 vacant single-family residential parcels. At this time, the tract map has not yet recorded. Therefore, only one legal lot of record presently exists. The project has been conditioned to require recordation of Tract 2710's Final Map prior to issuance of construction permits for the second residence.</i></p>

Setbacks 22.10.140	Required structural setbacks for each of the 24 lots are shown in the above table "Setbacks for Tract 2710." <i>The applicant is requesting relief under Government Code 65915 to reduce the minimum setbacks for two of the parcels. See the "Affordable Housing Incentives" section of this report for further discussion.</i>
Stormwater Management 22.10.155	Tract 2710 is a vesting subdivision map. As a result, the subdivision is only subject to the local regulations in place at the time of application acceptance (April 18, 2009). <i>Stormwater Management regulations were enacted in May 2010, and therefore do not apply to Tract 2710. The project is exempt from preparation of a Stormwater Control Plan.</i>

Affordable Housing Incentives

Government Code Section 65915 allows developers of affordable housing projects to request up to three specific incentives or concessions to be granted with the approval of the development. The local agency is obligated to grant these concessions or incentives, except in very limited cases.

In this case, the applicant is requesting the following concessions:

1. **A reduced front yard setback for Lot 1.** Lot 1 would normally require a 25-foot front setback. The applicant is requesting that this be reduced to 20 feet.
2. **A reduced rear yard setback for Lot 14.** Lot 14 is a corner lot with the front door and garage facing "B" Street. However, for the purposes of determining setbacks, the Wimer Way frontage is considered the front property line. Lot 14 would normally require a 10-foot rear setback. The applicant is requesting that this setback be reduced to 5 feet.

In order to reduce costs, Peoples' Self Help Housing is proposing to use floor plans from a previous development in Templeton on this project site. These houses were designed to fit longer, narrow lots. Tract 2710 has a mix of lot sizes and geometries. The setback adjustments are being requested in order to appropriately fit the residences to the lot pattern in Tract 2710, while maximizing useable yard area.

The project has been conditioned to meet the affordable housing standards of Section 22.12.070. It is anticipated that this project will qualify for an exemption to a recorded affordable housing agreement pursuant to Subsection G, because all houses will be (1) affordable to moderate income households; (2) constructed with volunteer labor; and (3) financed under a USDA 502 mortgage.

SETBACKS FOR TRACT 2710

Required Setback[in brackets]

Proposed Setback*italicized*

Nonconforming Setback.....**bold**

Lot	Front Setback	Side Setback #1	Side Setback #2	Rear Setback	Frontage Street
1	[25'] 20'	[5'] 5'	[5'] 5'	[10'] 10'	Wimer Way
2	[25'] 25'	[12.5'] 12.5'	[5'] 5'	[10'] 10'	Wimer Way
3	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	"B" Street
4	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	"B" Street
5	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	"B" Street
6	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	"B" Street
7	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	N Street
8	[25'] 25'	[12.5'] 12.5'	[5'] 5'	[10'] 10'	N Street
9	[20'] 20'	[10'] 12.5'	[5'] 5'	[10'] 10'	N Street
10	[20'] 20'	[5'] 5'	[5'] 5'	[10'] 10'	"B" Street
11	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	"B" Street
12	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	"B" Street
13	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	"B" Street
14	[25'] 25'	[12.5'] 12.5'	[5'] 5'	[10'] 5'	Wimer Way
15	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	Wimer Way
16	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	Wimer Way
17	[20'] 20'	[10'] 12.5'	[5'] 5'	[10'] 10'	Wimer Way
18	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	11 th Street
19	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	11 th Street
20	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	11 th Street
21	[20'] 20'	[10'] 10'	[5'] 5'	[10'] 10'	N Street
22	[20'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	N Street
23	[25'] 25'	[5'] 5'	[5'] 5'	[10'] 10'	N Street
24	[25'] 25'	[12.5'] 12.5'	[5'] 5'	[10'] 10'	11 th Street

Notes

1. Side Setback #1 is the street side setback for corner lots. The front setback on corner lots is the narrower of the two frontages.
2. 25 feet is the standard front setback requirement. The reduced 20-foot required front setback requirement for Lots 9, 10, 17, 21, and 22 is based on the shallow residential lot adjustment (Section 22.10.140D.2.a)

Inclusionary Housing

Section 22.12.080B.2.g of the Land Use Ordinance exempts affordable housing projects from meeting the inclusionary housing standards. The project has been conditioned to meet the affordable housing standards of Section 22.12.070.

Landscaping

Landscaping plans are only required for developer-installed landscaping in single family residential developments. Tract 2710 has been conditioned to require installation of street trees at a ratio of one tree for every 30 feet of street frontage (Condition #22). The landscaping plans will be submitted and approved as part of the Tract 2710 public improvement plans. As proposed, the project meets the requirements of Chapter 22.16 (Landscaping).

Parking

Each single-family residence is required to have two off-street parking spaces. As proposed, all residences will have an attached two-car garage. Additional parking will be available in the driveways. As proposed, the project will meet the required off-street parking standards.

STAFF COMMENTS:

Paso Robles Groundwater Basin

The subject property overlies the Paso Robles Groundwater Basin, but is located in an urbanized community with a municipal water purveyor. Because the project site will receive its water service from the San Miguel Community Service District, it is not subject to Ordinances 3246 and 3247 (i.e. Paso Robles Groundwater Basin urgency ordinances). Therefore, new residential development in this tract will not be required to offset its water demand.

COMMUNITY ADVISORY GROUP COMMENTS:

The San Miguel Advisory Council (SMAC) reviewed this project at their meeting on March 26, 2014. At that time, SMAC voted to recommend approval of the Minor Use Permit.

AGENCY REVIEW:

Public Works.....Public improvements are to be constructed as required by Tract 2710. A road improvement fee is required for each unit. A final drainage plan will be required. A stormwater control plan will be needed unless exempt.

Building.....Standard construction permit requirements apply. Residences will require fire sprinklers.

San Miguel CSDProvided a letter expressing the intent to serve the project with water and sewer.

HEAL SLO.....Expresses general support for the project. Recommends that the County consider pedestrian and bicycle improvements, particularly to help with children crossing the railroad to access the school.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded parcel map (CO02-0371 / S020247P) at a time when that was a legal method of creating lots. The map is recorded in Book 61, Page 74 et seq. of Parcel Maps.

Tract 2710 has not yet been recorded. Once recorded, Tract 2710 will create 24 legal lots of record. This permit has been conditioned to require recordation of Tract 2710 prior to issuance of permits for the second house.

ATTACHMENTS:

Exhibit A: Findings
Exhibit B: Conditions of Approval
Exhibit C: Graphics
Exhibit D: Referral Responses
Exhibit E: Environmental Determination

Staff report prepared by Michael Conger and reviewed by Bill Robeson.